

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON EASON,

Defendant.

} Case No.: CR 18-00759-CJC

} ORDER OF RELEASE ON BOND
PENDING TRIAL

I. INTRODUCTION

Defendant Aaron Eason is charged with conspiracy in violation of 18 U.S.C. § 371 and with carrying on a riot in violation of 18 U.S.C. § 2101. (Dkt. 47 [Indictment].) On November 2, 2018, Magistrate Judge Oliver ordered Mr. Eason detained pending trial, finding that Mr. Eason posed a danger to the community. (Dkt. 43.) On November 27,

1 2018, Judge Oliver reopened Mr. Eason’s detention hearing and denied his request for
2 bail. (Dkt. 93.) Although Judge Oliver found Mr. Eason was not a flight risk, she
3 believed that he still was a danger to the community. Mr. Eason now moves for review
4 of Judge Oliver’s detention order and for release on bail. (Dkt. 96.) Since the
5 Government has failed to meet its burden of showing that Mr. Eason is a flight risk or a
6 danger to the community, Mr. Eason’s motion is **GRANTED**.

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8 **II. BACKGROUND**

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10 The Indictment charges Mr. Eason with participating in a white supremacist
11 organization known as the “Rise Above Movement,” or “RAM.” RAM apparently
12 represented itself publicly as a combat-ready, militant group of a new nationalist white
13 supremacy and identity movement. Its members attended political events and trained in
14 hand-to-hand combat, though Mr. Eason claims these training sessions focused on self
15 defense techniques.

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17 The Indictment describes several political rallies attended by RAM members in
18 spring and summer 2017. In March 2017, Mr. Eason and other RAM members attended
19 a pro-Trump political rally in Huntington Beach, California. At the rally, other RAM
20 members assaulted a journalist, but Mr. Eason was not directly involved in that assault.
21 In April 2017, Mr. Eason organized a group to travel to a political rally in Berkeley,
22 California, that featured conservative speakers. Mr. Eason rented a van to drive RAM
23 members to the event from southern California. The Berkeley political rally devolved
24 into fighting between RAM members and counterprotestors, otherwise known as the
25 “Antifa.” Video footage captured Mr. Eason in two fights, though the footage suggests
26 that the Antifa members first attacked Mr. Eason and he responded in self defense.

1 After the Berkeley rally, RAM members vandalized a vehicle at a political rally in
2 June 2017 in San Bernardino, California, but the Indictment does not state whether Mr.
3 Eason was in any way involved. In September 2017, Mr. Eason texted a co-conspirator
4 that he was “back in a position to go hard with activism” after having been “sidetracked
5 after Berkeley.” However, there are no additional allegations about Mr. Eason’s
6 “activism” after this text message. In the following months, other RAM members posted
7 online about the group’s efforts at the rallies, but there are no further allegations
8 regarding Mr. Eason’s involvement with RAM.

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10 **III. ANALYSIS**

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12 The Bail Reform Act of 1984 permits pretrial detention only where there is a
13 demonstrated risk of flight or no assurance that release is consistent with the safety of the
14 community. 18 U.S.C. §§ 3142 *et seq.* “The whole spirit of the Bail Reform Act . . . is
15 that a defendant facing trial should be released, rather than detained, unless there are
16 strong reasons for not releasing him.” *United States v. Honeyman*, 470 F.2d 473, 474
17 (9th Cir. 1972). In determining whether to release or detain a defendant, the Court
18 considers (i) the nature and circumstances of the offenses charged, (ii) the weight of the
19 evidence against the defendant, (iii) the history and characteristics of the defendant, and
20 (iv) the nature and seriousness of the danger to the community. 18 U.S.C. § 3142(g).
21 The burden rests with the Government, which must prove by a preponderance of
22 evidence that the defendant poses a flight risk or by clear and convincing evidence that
23 the defendant poses a danger to the community. *United States v. Gebro*, 948 F.2d 1118,
24 1121 (9th Cir. 1991). Given this burden, “[o]nly in rare circumstances should release be
25 denied, and doubts regarding the propriety of release should be resolved in the
26 defendant’s favor.” *Id.*

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1 After considering all of these factors and all of the evidence presented by the
2 parties and the arguments of their counsel, the Court concludes that the Government has
3 failed to meet its burden. Consequently, Mr. Eason must be released pending trial.

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5 **A. Flight Risk**

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7 The Government has not met its burden of showing by a preponderance of
8 evidence that Mr. Eason poses a flight risk. Mr. Eason has significant ties to the Central
9 District of California. He was born and raised in California, and he has lived here almost
10 his entire life. He has a thirteen-year-old daughter, for whom he is the sole caregiver and
11 provider. He and his daughter live on a family property in Anza, California, along with
12 his father, sister, and brother, who are also willing sureties. He works on the family
13 property in addition to other landscaping and catering jobs nearby. The Court believes
14 that Mr. Eason's strong family ties make it unlikely that he would flee and abandon his
15 daughter and family.

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17 Moreover, Mr. Eason does not appear to have the means or any intent to flee. He
18 has never owned or possessed a passport. Besides two childhood trips to Mexico, he has
19 never been outside the United States. And most compellingly, Mr. Eason self-
20 surrendered shortly after he found out about his arrest warrant. Like the Magistrate
21 Judge, the Court is unconvinced that Mr. Eason is a flight risk.

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23 **B. Danger to the Community**

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25 The Government also has failed to meet its burden of showing by clear and
26 convincing evidence that Mr. Eason poses a danger to the community. First, he has no
27 criminal history. Mr. Eason's arrest in this case was the first time that he had ever been

1 arrested. At 38 years old, he is significantly older than the other defendants in this case
2 and is the only one without any felony convictions.

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4 Second, many of the allegations against Mr. Eason involve political speech, not
5 acts of violence. Mr. Eason attended various political events apparently to protect his and
6 others' freedom of expression and to stand up against sometimes violent
7 counterprotestors associated with Antifa. The Court makes no excuses for Mr. Eason's
8 troubling anti-Semitic or racist statements or beliefs, but will not detain him or any
9 citizen because of his or their statements or beliefs.¹

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11 Third, the charged offenses do not show that Mr. Eason is a danger to the
12 community. In its opposition brief, the Government paints Mr. Eason with broad strokes,
13 focusing heavily on the actions and words of individuals other than Mr. Eason himself.
14 But a closer look at the allegations—and particularly what can be attributed to Mr.
15 Eason—refutes the Government's characterization. Mr. Eason attended political rallies
16 in San Diego, Huntington Beach, and San Bernardino without engaging in violence. He
17 never brought sticks or shields to any event. His only violent events are the two fist
18 fights, at Berkeley in April 2017. These incidents arose in the context of chaos, where
19 Mr. Eason and his alleged co-conspirators stood face-to-face with members of Antifa,
20 many of whom were there just to cause trouble and suppress their speech by any means
21 necessary. Arguably, Mr. Eason did not even initiate the fist fights, but acted only in self
22 defense.

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27 ¹ Brittney Welch, an acquaintance of Mr. Eason who helped organize several of the political events, stated
28 in her declaration that Mr. Eason is a nice, gentle person and not a danger to anyone. She says she asked
Mr. Eason to attend the Berkeley rally to maintain order and protect speakers from the violent Antifa
members.

1 Lastly, Mr. Eason has presented evidence that he is no longer involved with RAM
2 or any other white supremacist organization. The Court recognizes that the Magistrate
3 Judge found that Mr. Eason was a danger to the community because he never explicitly
4 withdrew from RAM. But RAM has apparently disbanded, and the timeline in the
5 Indictment suggests Mr. Eason's involvement with RAM ceased months before the grand
6 jury returned that Indictment. The Government also has presented no evidence to suggest
7 that Mr. Eason has had any further dealings or contact with RAM or any of the other
8 defendants.

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10 **IV. CONCLUSION**

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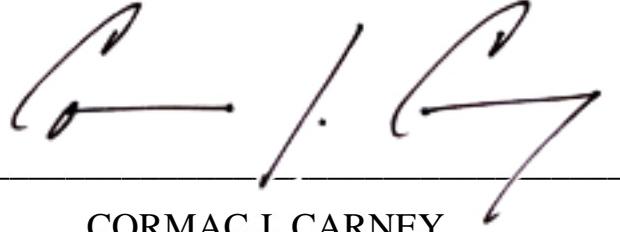
12 Mr. Eason's motion is **GRANTED**. The Magistrate Judge's order denying bail
13 pending trial is **VACATED**.

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15 It is hereby **ORDERED** that Mr. Eason be released from custody upon the posting
16 of an appearance bond in the amount of \$175,000, apportioned to Walter Eason, Malia
17 Carlin, Danny Carlin, and Timothy Eason, at \$43,750 each. In addition, Mr. Eason is
18 subject to supervision by Pretrial Services and several conditions of release, including
19 (1) a declaration by Mr. Eason that he does not possess a passport, (2) a travel restriction
20 to the Central District of California and to reasonable curfew restrictions, as directed by
21 the supervising agency, (3) a restriction on entering any airport, seaport, railroad, or bus
22 terminal which permits exit from the Central District of California, without Court
23 permission, (4) a requirement that Mr. Eason's residence be approved by Pretrial Services
24 and that he not relocate without Pretrial Services approval, (5) a requirement that Mr.
25 Eason must avoid all contact with co-defendants or potential witnesses, except in the
26 presence of counsel, (6) a prohibition from attending political events, rallies, and
27 marches, regardless of what group has planned to attend or participate, (7) a prohibition
28 on associating with any white nationalist organization, (8) a prohibition on the use or

1 possession of illegal drugs or firearms and an agreement to the search and seizure of Mr.
2 Eason's person and property, (9) a requirement that Mr. Eason maintain or actively seek
3 employment and provide proof to the supervising agency during the period leading up to
4 his trial, and (10) a requirement that Mr. Eason not possess or have access to, in the
5 home, workplace, or any location, any device that offers internet access, except as
6 approved by the supervising agency, and a requirement that Mr. Eason submit to a search
7 of his person or property by the supervising agency in order to determine compliance.

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9 DATED: January 4, 2019
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CORMAC J. CARNEY

12 UNITED STATES DISTRICT JUDGE
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